

USSN 09/854204

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REMARKS

Claims 1 and 49-75 are pending. Claims 1, 49, 51 and 60 have been amended. Support for these amendments can be found, for example, at least at page 7, lines 22-30. Accordingly, no new matter has been added.

The claim amendments requested herein should in no way be construed as acquiescence to any of the rejections and have been made solely to expedite prosecution of the application. Applicants reserve the right to pursue the claims as originally filed and/or prior to amendment herein in this or a separate application(s).

At the outset, Applicants wish to gratefully acknowledge the withdrawal of all previous objections and rejections under 35 U.S.C. §§112, 102 and 103.

New Rejections Under 35 U.S.C. §102

Claims 1, 51 and 60 have been rejected as being anticipated by Kalderon *et al.*, Feigl *et al.*, or Janmey *et al.*, on the ground that the peptides disclosed in these references fall within the scope of the claims which are directed a peptide carrier moiety of SEQ ID No: 2 in which one *or more* amino acid residues are replaced.

Applicants respectfully traverse this rejection. However, solely in the interest of expediting prosecution, claims 1, 51 and 60 have now been amended to specify that *one to three* amino acid residues of the claimed peptide carrier moiety can be replaced. None of the cited references disclose a peptide carrier moiety having the characteristics of the peptide carrier moiety as now claimed. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 1, 51, 53 and 60 have been rejected as being anticipated by Borchardt *et al.* on the ground that the claims encompass the cyclic hexapeptide WAGGDA disclosed in this reference.

Applicants respectfully traverse this rejection. First, it is noted that Borchardt *et al.* disclose a hexapeptide, whereas the present claims are drawn to a peptide carrier moiety consisting of seven amino acids. Moreover, the presently amended claims which

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specify that *one to three* amino acids of the peptide RRMKWKK can be replaced are not anticipated by the sequences disclosed by Borchardt *et al.* Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejections under the Doctrine of Obviousness-Type Double Patenting

All of the pending claims have been provisionally rejected as being unpatentable over claims 1-9, 11-18 and 45 of co-pending Application No. 09/438,460. In addition, the pending claims have been rejected as being unpatentable over claims 1-29 of U.S. Patent No. 6,472,507.


Applicants submit herewith terminal disclaimers for both Application No. 09/438,460 and U.S. Patent 6,472,507.

SUMMARY

In view of the remarks set forth above, it is respectfully submitted that this application is in condition for allowance. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' attorney would expedite the prosecution of the above-identified application, the examiner is urged to call Applicant's attorney at (617) 227-7400.

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